

WORKERS' COMPENSATION INDUSTRIAL COUNCIL

March 12, 2020

Minutes of the meeting of the Workers' Compensation Industrial Council held on Thursday, March 12, 2020, at 1:00 p.m., Offices of the West Virginia Insurance Commissioner, 900 Pennsylvania Avenue, Room 912, Charleston, West Virginia.

Industrial Council Members Present:

Kent Hartsog, Chairman
Kim Shin – via telephone
Michael Keener
Bengy Swanson
Anna Dailey
James A. Dodrill, Insurance Commissioner/Advisory Nonvoting Member
Mick Bates – House of Delegates

1. Call to Order

Chairman Kent Hartsog called the meeting to order at 1:00 p.m.

2. Approval of Minutes

Chairman Hartsog asked for a motion to approve the December 4, 2019 minutes.

Bengy Swanson made the motion to approve the December 4, 2019 minutes. The motion was seconded by Michael Keener and passed unanimously.

3. Office of Judges' Report – Bradley Crouser, Chief Administrative Law Judge

Chief Judge Bradley Crouser presented the Offices of Judges' Report. Following the report, Chief Judge Crouser took questions from the Council members.

4. General Public Comments

Chairman Hartsog asked if anyone from the public would like to speak to the Council, or if anyone had comments. No speakers and no comments.

5. Old Business

An update to Workers' Compensation physical examinations were discussed. Tonya Gillespie, OIC Assistant Commissioner of Regulatory Divisions, presented and discussed the Independent Medical Evaluation and Vocational Rehabilitation Survey that was handed out at today's meeting. Ms. Gillespie took questions from the Council members.

Delegate Mick Bates also discussed and took questions.

6. New Business

Chairman Hartsog asked if anyone had any new business to bring up.

Erin Hunter, OIC Deputy Commissioner/General Counsel, presented an update regarding workers' compensation legislation. She provided a copies of and discussed Senate Bill 545, House Bill 4409 and House Bill 4502.

Delegate Bates also discussed legislation regarding an intermediate appellate court.

7. Next Meeting

The next meeting is scheduled for Thursday, May 21, 2020, at 1:00 p.m.

8. Executive Session

Chairman Kent Hartsog: The next order of business is the special Executive Session. The next item on the agenda is related to self-insured employers. These matters involve discussion as specific confidential information regarding a self-insured employer that would be exempted from disclosure under the West Virginia Freedom of Information Act pursuant to West Virginia Code §23-1-4(b). Therefore, it is appropriate that the discussion take place in Executive Session under the provisions of West Virginia Code §6-9A-4. If there is any action taken regarding these specific matters for an employer this will be done upon reconvening of the public session. Is there a motion to go into Executive Session?

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Michael Keener made the motion to go into Executive Session. The motion was seconded by Anna Dailey and passed unanimously.

The Industrial Council went into Executive Session to discuss self-insured matters. Melinda Kiss, OIC Assistant Commissioner of Finance, presented the self-insured matters.

The Industrial Council returned to the regular meeting following the Executive Session.

Chairman Hartsog called the Industrial Council meeting back to order for the regular public session.

Chairman Hartsog entertained a motion to approve the list of self-insured renewals that have been presented to the Council.

Michael Keener moved to accept the motion to approve the list.

The motion was seconded by Bengy Swanson and passed unanimously.

9. Adjourn

There being no further business, Chairman Hartsog asked for a motion to adjourn. Anna Dailey made the motion to adjourn the meeting. The motion was seconded by Kim Shin and passed unanimously.